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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/627,155 07/27/00 TAUBER

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EXAMINER

QM12/1221

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HYLTON, R

ART UNIT

PAPER NUMBER

3727

DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/627,155

Applicant(s)

Tauber

Examiner

Robin A. Hylton

Group Art Unit

3727

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jul 27, 2000 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3727

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the plastic material in cross section as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.
2. The drawings are objected to because figures 5 and 6 fail to provide any cross hatching in these cross sectional views. Correction is required.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The title should include at least one technical, or inventive, feature of the claimed instant invention.

Claim Rejections - 35 USC § 112

4. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "said top wall" at claim 20, line 1, since two top walls have been set forth in the preceding claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3727

6. Claims 1-6,8-13,15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Maki (US 3,622,027). The lugs are formed by knurls 34 and the recesses are formed by knurls 24. The recesses each comprise a wall which is inclined with respect to a vertical axis extending longitudinally of the safety closure.

7. Claims 1-6,8-13,15-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gargione (US 5,316,161).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maki in view of Friedenthal (US 5,147,053). Maki discloses the claimed safety closure except for a beveled edge on the outer cap and a plurality of ridges on the outer cap skirt. Friedenthal discloses a safety closure comprising an top cap having a beveled edge and a plurality of ridges on the skirt. It would have been obvious to one of ordinary skill in the art to modify the safety closure of Maki in view of Friedenthal to provide a beveled edge to the top cap for user comfort when pressing downwardly on the safety closure with a hand and a plurality of ridges on the skirt to assist with gripping of the safety closure.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gargione in view of Minh (US 5,148,931). Gargione discloses the claimed safety closure except for the indicia on the outer surface of the top wall. Minh discloses a safety cap comprising indica on the outer surface of the top wall (see figure 4). It would have been obvious to one of ordinary skill in the art to modify the safety closure of Gargione in view of Minh to provide indica on the outer surface of the top wall to provide operating instructions to the user.

Art Unit: 3727

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Various safety closures are cited of interest.

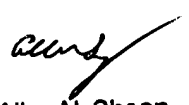
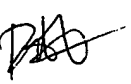
12. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703)305-3579. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner can normally be reached on Monday - Friday from 9:30 a.m. to 5:00 p.m. (Eastern time).

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703)306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148. The fax phone number for this Group is (703) 305-3579.

Robin A. Hylton/rah
December 15, 2000



Allan N. Shoap
Supervisory Patent Examiner
Group 3700